

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARCIA SPAHR,

Plaintiff,

v.

5:07-CV-0883
(NAM/GHL)

COMMISSIONER OF SOCIAL SECURITY, et al.,

Defendants.

APPEARANCES:

Marcia Spahr
Plaintiff *pro se*
431 E. Prospect Terrace
Freeport, Illinois 61032-5662

GEORGE H. LOWE, United States Magistrate Judge

REPORT AND RECOMMENDATION

On August 24, 2007, Plaintiff filed her Complaint (Dkt. No. 1), moved for leave to proceed *in forma pauperis* (Dkt. No. 2), and requested the appointment of counsel (Dkt. No. 4).

Plaintiff's Complaint consisted of a four-page form, a handwritten note, and copies of two prescriptions. The form stated that Plaintiff brought this action under 42 U.S.C. § 1983. The spaces for the defendant's name, official position, and address listed "Soc. Sec Plntf England, London, Eng. & Soc. Sec Plntf FBI Plnt" and "Balt, Maryland Don Martin Comm. 101 Lombard Balt., Maryland 21210." Near the spaces for defendants' names, Plaintiff included a list of individuals identified only by their last names and a list of races or ethnic groups. In the caption of the form, Plaintiff listed the Commissioner of Social Security, Baltimore, "other parties, countries" and "Rodham" as defendants. The form alleged that Plaintiff "is surrounded.

I'm an American. They got my gas. I need huge money to overcome them.” It further alleged that Plaintiff is entitled to “back Soc Sec money”, food stamps, and checks from “Gen Moran”, Daniel Hynes¹, President Clinton, and the Florida Lottery. The letter stated that Plaintiff’s neighbors have ‘set her up on gas’ and that the neighbors’ children “put trash in my yard (Italians or Iranians)”.

On September 25, 2007, I issued an order directing that if Plaintiff did not amend her complaint within thirty (30) days of the date of the order, (1) Plaintiff’s Complaint (Dkt. No. 1) would be *sua sponte* **STRICKEN** from the docket for failure to state a claim under Rule 12(b)(6), and for failure to comply with Rules 8 and 10 of the Federal Rules of Civil Procedure; (2) Plaintiff’s motion for leave to proceed *in forma pauperis* (Dkt. No. 2) would be **DENIED AS MOOT**; and (3) Plaintiff’s motion to appoint counsel (Dkt. No. 4) would be **DENIED AS MOOT**.

More than 30 days have passed since the Order was issued. Plaintiff has not amended her complaint. Accordingly, it is hereby


RECOMMENDED, that (1) this case be **DISMISSED** for failure to comply with the Court’s September 25, 2007, Order; (2) Plaintiff’s motion for leave to proceed *in forma pauperis* (Dkt. No. 2) be **DENIED AS MOOT**; and (3) Plaintiff’s motion to appoint counsel (Dkt. No. 4) be **DENIED AS MOOT**.

Pursuant to 28 U.S.C. § 636(b)(1), the parties have ten days within which to file written objections to the foregoing report. Such objections shall be filed with the Clerk of the Court.

¹ Daniel Hynes is the Comptroller of the State of Illinois.

FAILURE TO OBJECT TO THIS REPORT WITHIN TEN DAYS WILL PRECLUDE APPELLATE REVIEW. *Roldan v. Racette*, 984 F.2d 85 (2d Cir. 1993) (citing *Small v. Secretary of Health and Human Services*, 892 F.2d 15 (2d Cir. 1989)); 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72, 6(a), 6(e).

Dated: November 26, 2007
Syracuse, New York


George H. Lowe
United States Magistrate Judge